

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43871

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 577  
)  
Plaintiff-Respondent, ) Filed: June 22, 2016  
)  
v. ) Stephen W. Kenyon, Clerk  
)  
KIMBERLY DAWN HENSON, ) THIS IS AN UNPUBLISHED  
) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before MELANSON, Chief Judge; GRATTON, Judge;  
and HUSKEY, Judge

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PER CURIAM

Kimberly Dawn Henson pled guilty to trafficking in methamphetamine. Idaho Code § 37-2732B(a)(4). The district court sentenced Henson to a unified term of fifteen years with three years determinate. Henson filed an Idaho Criminal Rule 35 motion, which the district court denied. Henson appeals asserting that the district court abused its discretion by denying the Rule 35 motion.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of

new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Henson's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Henson's Rule 35 motion is affirmed.